



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2016 REGULAR SESSION

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HOUSE BILL NO. 384

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MONDAY, FEBRUARY 29, 2016

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 27, 2016  
4:45pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Allen

1 AN ACT relating to local health and fitness incentive programs for local emergency  
2 services personnel.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 64 IS CREATED TO  
5 READ AS FOLLOWS:

6 (1) As used in this section:

7 (a) "Emergency services personnel" means any nonelected persons employed  
8 by or volunteering for a:

9 1. Fire department operating under KRS Chapter 67 or 95 or under the  
10 authority of an urban-county government, consolidated local  
11 government, charter-county government or unified local government;

12 2. Police department operating under KRS Chapter 67 or 95 or under the  
13 authority of an urban-county government, consolidated local  
14 government, charter-county government, or unified local government;

15 or

16 3. Sheriff's department; and

17 (b) "Local government" means a city, county, urban-county government,  
18 charter county government, consolidated local government, or unified local  
19 government.

20 (2) Any local government or group of local governments may elect, through the  
21 adoption of an ordinance, or identical ordinances in the case of a group of local  
22 governments, to establish an incentive program for emergency services personnel  
23 to be rewarded for their leadership in achieving health and fitness goals that can  
24 be a model for others in the community.

25 (3) The ordinance or ordinances shall specify what measures shall be part of the  
26 incentive program, which may include the following health and fitness  
27 indicators:

1 (a) Fasting blood lipid levels that include total cholesterol, low density  
 2 lipoproteins, high density lipoproteins, and triglycerides;

3 (b) Fasting glucose levels;

4 (c) Systolic and diastolic blood pressure levels, the measurement of which is  
 5 encouraged to be recorded when the participant is in a more relaxed state;

6 (d) Fitness levels, including activities such as distances walked, pushups, sit-  
 7 ups, pull-ups, and, in lieu of pull-ups for females, timed hangs;

8 (e) Body fat percentages;

9 (f) Body mass index; and

10 (g) Any other measure of fitness or health as determined by the local  
 11 government, such as a reduction in the use of tobacco products or sodium.

12 The ordinance or ordinances may provide considerations for differences in age  
 13 and gender of the emergency services personnel. Local governments are  
 14 encouraged, at a minimum, to include in their program the measures indicated in  
 15 paragraphs (a) to (c) of this subsection.

16 (4) (a) Local governments may reward participants who make the most positive  
 17 gains in the health and fitness indicators measured by the local  
 18 government.

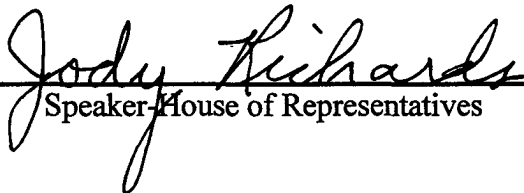
19 (b) The ordinance or ordinances shall clearly set out what health and fitness  
 20 standards will be rewarded within the selected measures.

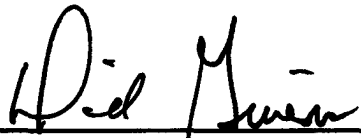
21 (5) The ordinance or ordinances may include a step-based system of awards, in the  
 22 instance if a certain standard is met consistently or consecutively for an  
 23 established duration of time, the reward is to be incrementally increased.

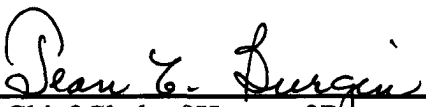
24 (6) The ordinance or ordinances, in addition to or in lieu of rewarding individual  
 25 emergency services personnel performance, may reward performance to a  
 26 particular department or any combination of departments either in the local  
 27 government or among different local governments.

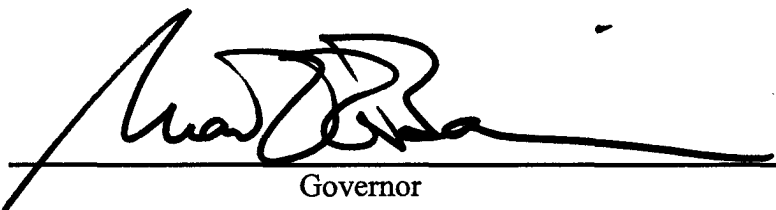
- 1 (7) The reward may be monetary in nature, or any other consideration or reward not  
2 otherwise prohibited by state or federal law.
- 3 (8) A local government may, by ordinance, elect to repeal the program.
- 4 (9) Any monetary reward provided under this section shall not be included in the  
5 calculation for a retirement allowance for any emergency services personnel  
6 participating in the County Employees Retirement System set out in KRS 78.510  
7 to 78.852.
- 8 (10) A local government shall follow any applicable state and federal laws in the  
9 gathering of any health and fitness data from participants in the program,  
10 including the Health Insurance Portability and Accountability Act of 1996, Pub.  
11 L. No. 104-191.
- 12 (11) Local governments are encouraged to acquire health and fitness baseline data for  
13 the participants by using previously collected health and fitness data or by  
14 collecting health and fitness data on the participants at the beginning of the  
15 program or when they begin participating in the program.
- 16 (12) Each local government adopting an ordinance pursuant to this section shall send  
17 a copy of its ordinance, and any amendments thereto, to the Kentucky  
18 Department for Local Government. The ordinance or amendment may be sent  
19 electronically or by any other method deemed suitable by the local government.  
20 The ordinances and amendments shall be deemed public records pursuant to  
21 KRS 61.870 to 61.884.
- 22 (13) A local government may accept money by grant, gift, donation, bequest,  
23 legislative appropriation, or other conveyance to be used for the sole purpose of  
24 this section and shall be placed in a separate account apart from all other funds  
25 of the local government.
- 26 (14) Nothing in this section shall be construed to prohibit any local government from  
27 enacting or establishing alternative incentives or from participating in other

- 1        incentive programs for the rewarding of health or fitness levels or goals.
- 2        (15) Participation in the program shall be voluntary on the part of emergency services
- 3        personnel. The failure of any emergency services personnel to meet a standard set
- 4        out in this program, or to participate in the program, shall not be used as a
- 5        measure of his or her job-related performance.

  
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Speaker House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 27 APRIL 2016